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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

APPLE INC.,

Plaintiff,

v.

AMAZON.COM, INC., et al.,

Defendants.

Case No.: 11-1327 PJH (JSC)

**ORDER RE: REQUIRED  
DECLARATION TO SUPPORT  
PLAINTIFF'S MOTION TO FILE  
PORTIONS OF REPLY UNDER  
SEAL (Dkt. No. 80)**

Now pending before the Court is Plaintiff's administrative motion to file portions of Plaintiff's Reply in Support of the Motion to Compel Discovery under seal pursuant to Local Rule 79-5. (Dkt. No. 80.) Local Rule 79-5(a) provides that a request for sealing "must be narrowly tailored to seek sealing only of sealable material" and that a "stipulation, or a blanket protective order that allows a party to designate documents as sealable, will not suffice to allow the filing of documents under seal." Plaintiff seeks to seal materials designated by Defendant as HIGHLY CONFIDENTIAL or HIGHLY CONFIDENTIAL—OUTSIDE COUNSEL ONLY pursuant to the Stipulated Protective Order (Dkt. No. 61) in this action. Plaintiff lists the portions<sup>1</sup> of documents Plaintiff wishes to file under seal,

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<sup>1</sup> Plaintiff seeks to seal portions of its reply, portions of David J. Sepanik's declaration, and exhibits B, C, D, E, F, G, H, I, J, and K in their entirety. (Dkt. No. 80.)

1 which is clarified by the redacted version of the documents in question that Plaintiff provided  
2 to the Court.

3 At the time of this Order, however, Defendant has not filed a declaration in support of  
4 Plaintiff's motion as required by L.R. 79-5(d), which states that within 7 days of Plaintiff  
5 filing an administrative motion to seal documents designated by Defendant as confidential,  
6 Defendant "must file with the Court and serve a declaration establishing that the designated  
7 information is sealable, and must lodge and serve a narrowly tailored proposed sealing order,  
8 or must withdraw the designation of confidentiality." As noted in L.R. 79-5(d), "the  
9 document or proposed filing will be made part of the public record" if this responsive  
10 declaration is not filed. Defendant may file such a declaration on or before August 22, 2012.  
11 If none is received, Plaintiff's motion will be denied.

12 **IT IS SO ORDERED.**

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14 Dated: August 20, 2012

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16 JACQUELINE SCOTT CORLEY  
17 UNITED STATES MAGISTRATE JUDGE  
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